

ESTTA Tracking number: **ESTTA648348**

Filing date: **01/05/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209028
Party	Defendant United Priority Distributors
Correspondence Address	PAUL GODFREAD GODFREAD LAW FIRM PC 100 S 5TH ST, SUITE 1900 MINNEAPOLIS, MN 55402 UNITED STATES paul@godfreadlaw.com
Submission	Testimony For Defendant
Filer's Name	Paul Godfread
Filer's e-mail	paul@godfreadlaw.com
Signature	/PAG/
Date	01/05/2015
Attachments	120514Fraser_FullSize.pdf(87680 bytes )

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 TRADEMARK TRIAL AND APPEAL BOARD

3

4 Perfect Memorials, LLC,  
5 Opposer,

6 vs. Opposition No. 91209028  
Serial No. 85/722,100

7 United Priority Distributors,  
8 Applicant.

-----  
9

10

11

12 DEPOSITION OF SUSAN FRASER

13

Visalia, California

14

15 Friday, December 5, 2014

16

17

18

19

20

21

22

23

24

25 Reported by: Allison Gerdes, CSR No. 8649

1 APPEARANCES OF COUNSEL:

2

For the Applicant, United Priority Distributors:

3

4 GODFREAD LAW FIRM, P.C.

BY: PAUL GODFREAD

5

Attorney at Law

6043 Hudson Road, Suite 305

6

Woodbury, MN 55125

(612) 284-7325

7

paul@godfreadlaw.com

8

For the Opposer, Perfect Memorials, LLC:

9

NIKOLAI & MERSEREAU, P.A.

10

BY: PETER NIKOLAI

Attorney at Law

11

900 Second Avenue South, Suite 820

Minneapolis, MN 55402-3813

12

(612) 339-7461

peter.nikolai@nm-iplaw.com

13

14

15

16

17

18

19

20

21

22

23

24

25

Deposition of SUSAN FRASER, taken at 2348  
West Whitendale, Suite A, Visalia, California, on  
Friday, December 5, 2014, at 9:03 a.m., before Allison  
Gerdes, a Certified Shorthand Reporter in and for the  
State of California.

1	EXAMINATION INDEX	
2	SUSAN FRASER	
	DIRECT BY MR. GODFREAD . . . . .	5
3	CROSS BY MR. NIKOLAI . . . . .	16
	REDIRECT BY MR. GODFREAD . . . . .	39

4  
5  
6  
7  
8  
9  
10  
11

12 EXHIBIT INDEX

13	Exhibit 1	
	Document entitled In The Light Urns, Bates	17
14	stamped PM-TTAB-000330	
15	Exhibit 2	
	Documents Bates stamped UPD000056 through	22
16	UPD000068	
17	Exhibit 3	
	Documents Bates stamped PM-TTAB-000848 and	29
18	849	

19  
20  
21  
22  
23  
24  
25

1           The following proceedings were had and  
2 testimony taken, to wit:

3  
4           SUSAN FRASER,  
5 having been first duly sworn, testified as follows:

6  
7           MR. NIKOLAI: Good morning. My name is Peter  
8 Nikolai and I represent Opposers, Perfect Memorials,  
9 LLC, in this matter. Before we begin the direct  
10 examination today, I want to note for the record that  
11 Perfect Memorials is cross-examining Ms. Fraser under  
12 protest. Applicant, United Priority Distributors  
13 failed to timely serve its pretrial disclosures on us.  
14 Trademark Rule 2.121(e) provides that a party  
15 scheduled to present evidence must serve its pretrial  
16 disclosures no later than 15 days prior to the opening  
17 of its testimony, period.

18           Rule 2.121(e) further provides that the  
19 disclosure must disclose the name, telephone number  
20 and address of each witness from whom it intends to  
21 take testimony.

22           Further, the disclosure must provide both a  
23 general summary of the subjects on which the witness  
24 is expected to testify and a general summary or list  
25 of types of documents and things which made -- which

1 may be introduced during the testimony of the witness.

2 The deadline for the Applicant to serve its  
3 Rule 2.121 disclosure was on October 24th, 2014. We  
4 did not receive Applicant's required disclosure on the  
5 24th. When we received the notice of this deposition  
6 last Wednesday from Applicant's Counsel, we  
7 immediately notified him that we had not received the  
8 Applicant's pretrial disclosure.

9 As we sit here today, I still have not  
10 received the required disclosures. Therefore,  
11 pursuant to Trademark Rule 2.123(e), Opposer elects to  
12 cross -- elects to cross-examine this witness under  
13 protest and reserves the right to object to the  
14 receipt of this testimony in evidence.

15 MR. GODFREAD: Okay.

16 MR. NIKOLAI: Was that too fast?

17 (Off record.)

18 MR. GODFREAD: If for whatever reason it's  
19 not clear, it looked like Mr. Nikolai was reading from  
20 it. Do you want to just submit a text version of that  
21 to the reporter, of the objection?

22 MR. NIKOLAI: If she got it, it's fine.

23 MR. GODFREAD: Okay.

24 DIRECT EXAMINATION

25 BY MR. GODFREAD:

1 Q. All right. Okay. Ms. Fraser, my name is  
2 Paul Godfread. I know we spoke on the phone. I'm  
3 your attorney or the attorney for your business,  
4 United Priority Distributors. We're here today for a  
5 trial testimony deposition in the Trademark Trial and  
6 Appeal Board matter relating to the mark Weeping  
7 Angel.

8 Ms. Fraser, although I've just said it, would  
9 you please state your name for the record?

10 A. Susan Fraser.

11 Q. Okay. And, Ms. Fraser, would you state what  
12 your occupation is?

13 A. Owner of In The Light Urns and United  
14 Priority.

15 Q. And is In The Light Urns the same business or  
16 related business to United Priority Distributors?

17 A. They -- yeah. They are related, absolutely.

18 Q. Okay. And what does United Priority  
19 Distributors do?

20 A. Well, it's the buying part of our company.

21 Q. Okay. And In The Light Urns, is that --

22 A. In The Light Urns is the selling part. We  
23 are a retail company.

24 Q. Understood. Okay. And how long have you  
25 been working with these businesses?

1 A. Since 2001.

2 Q. 2001. And how long have you been in the --  
3 assuming -- scratch that.

4 Both of these businesses are primarily in the  
5 funeral industry or the funerary urns industry? Is  
6 that fair to say?

7 A. Yes. We are a cremation urn company,  
8 absolutely. That's what we do, creation urns.

9 Q. Okay. How long have you -- have you  
10 personally been involved in the industry?

11 A. I started my business in 2001.

12 Q. Okay. And before that?

13 A. Before that, I was not in the funeral  
14 industry, no.

15 Q. Okay. Your business, United Priority  
16 Distributors, has been using the trademark Weeping  
17 Angel. Do you recall how long you've been using that  
18 trademark?

19 A. Since the summer of 2010.

20 Q. Okay. Do you know how the Weeping Angel  
21 trademark was chosen?

22 A. Yes. I chose the --

23 Q. Okay.

24 A. Um-hum.

25 Q. I was going to just say go ahead and --



1 A. Okay.

2 Q. -- say how it was chosen. All right.

3 A. Okay. It was based on a brand. I wanted to  
4 create a brand with the Angel of Grief monument  
5 created in the late 19th century by Mr. Story in Rome  
6 for his wife.

7 Q. Okay. Did you do any research about the name  
8 Weeping Angel around the time of 2010 when you started  
9 using it?

10 A. Absolutely. Internet research is what I did,  
11 and I researched the name Weeping Angel urn. Weeping  
12 Angel urn did not come up anywhere. The only Weeping  
13 Angel I could find was a character based on a British  
14 show, Doctor Who, which was kind of a hideous  
15 creature, but I didn't feel that we would be connected  
16 with that character in any way when we created our urn  
17 name.

18 Q. But there were no other urns for sale that  
19 you could find that were using Weeping Angel?

20 A. None. There was none, absolutely.

21 Q. Okay. You said you did research before  
22 adopting the Weeping Angel name as a trademark. Did  
23 you do any additional Internet research in the time  
24 after you adopted it? And by that, I mean did you do  
25 Internet research to see if Weeping Angel was -- how

1 Weeping Angel was used?

2 A. Well, we always check on our names. It's  
3 part of being an Internet company. You're always  
4 trying to protect your brand, so, yes, of course.

5 Q. Okay. Okay. In the very -- say the very  
6 first year after adopting, say, 2010, 2011 time frame,  
7 were there any other urns using Weeping Angel as a  
8 name?

9 A. Well, we did discover that Perfect Memorials  
10 was using it, I believe in the summer of 2011, some  
11 time in the summer of 2011.

12 Q. Okay. Do you remember searching -- between  
13 the summer of 2011 and when you started using it in  
14 2010, do you remember searching the Internet for  
15 Weeping Angel or Weeping Angel urns and finding  
16 anything?

17 A. No. No. We were the only ones.

18 Q. Okay. Okay. Continuing on in the time  
19 period, say, after 2011, after summer of 2011 to the  
20 present, other than yourself and Perfect Memorials,  
21 have you found any other urns called the Weeping Angel  
22 urn?

23 A. Yes.

24 Q. Okay. Is that -- is that Weeping Angel urn  
25 still on the market today?

1           A. No. No. They've changed their name as -- by  
2           our request.

3           Q. By your request?

4           A. Absolutely. Our request and proof that we  
5           filed the mark, and so they changed the name.

6           Q. To clarify, you mean the application --

7           A. Yes.

8           Q. -- the Weeping Angel application --

9           A. Yes, the application.

10          Q. -- in this case.

11          A. Yes.

12                THE REPORTER: Excuse me. You guys were  
13           talking at the same time, so I'm not sure I got the  
14           full question. I got parts of it.

15                MR. GODFREAD: I will reiterate to the best  
16           of my ability, and I'll have Susan answer again, maybe  
17           to the best of her ability, and hopefully that will  
18           clarify it.

19           BY MR. GODFREAD:

20           Q. And, Susan, let me just put another  
21           admonition on the record. Because we have someone  
22           here trying to type and record what's being said,  
23           please wait until you are absolutely sure that either  
24           I've finished my question or when Mr. Nikolai is  
25           cross-examining, that he's finished his question, so

1 that we can have a clear record.

2 A. Certainly.

3 Q. I'll try to reiterate my question as close as  
4 possible.

5 I think it was essentially today, are there  
6 any other urns on the market using Weeping Angel,  
7 other than Perfect Memorials and United Priority  
8 Distributors?

9 A. No. No.

10 Q. Okay. You mentioned that search engine  
11 results are important to United Priority Distributors  
12 advertising or marketing. Do you do any advertising  
13 directly with Google or any other search engine?

14 A. Yes. We definitely advertise with Google, of  
15 course.

16 Q. Okay. Do you use the term Weeping Angel  
17 specifically as a search term or a key word for  
18 advertising?

19 A. Yes. I don't know that I'm running an ad  
20 that says Weeping Angel right now, but when a name is  
21 on the Internet, that is your brand, and that is your  
22 way of advertising, and when a customer types in a  
23 name to find a product, you don't have to be  
24 advertising on Google to come up. It would be through  
25 what's considered organic search results, and we will

1       come up under organic search results, because it is  
2       the name of our urn.

3       Q.   Okay.  But some time in the past, you have  
4       used Weeping Angel as a key word or as part of your  
5       Internet advertising?

6       A.   It is absolutely used as a key word under the  
7       products that it's listed as, and we have run ads  
8       through Google in the past with Weeping Angel.  We --  
9       I just do not believe that we have any running today.  
10      We change all the time, our ads.

11      Q.   Okay.

12      A.   Yeah.

13      Q.   Do you know if the Opposer, Perfect  
14      Memorials, has ever used the key word phrase Weeping  
15      Angel as a key word for Google or other search engine  
16      advertising?

17      A.   Certainly.  Certainly.  They -- I believe  
18      they have it running today.  I think they have it  
19      running all the time.

20      Q.   Okay.

21      A.   And they would use it in their product meta  
22      tags as a key word, just like any product you put on  
23      the Internet, you indicate how you want your customer  
24      to find you through the name indicated.

25      Q.   Explain what you mean there by using a name

1 in a meta tag.

2 A. If you were to right click any product page,  
3 you would see exactly what the company has put on that  
4 page to describe their product. They'll have a  
5 description indicating that product. They'll have  
6 meta tags that will be word comma word comma word  
7 comma, which is supposed to organically come up. That  
8 product will come up when a customer types into the  
9 search engine those words. They're there for  
10 everybody. The Internet is incredibly easy to see  
11 what anyone is doing, because it's all right there in  
12 front of you.

13 Q. Let's turn a little bit to your relationship  
14 or your company's relationship with the Opposer,  
15 Perfect Memorials.

16 Do you know any of the people working at  
17 Perfect Memorials?

18 A. I spoke with Mr. West and I spoke with Ryan,  
19 I only know him by Ryan, who has -- I talked to him on  
20 the phone as well, and so, yes.

21 Q. Okay. How do you know Mr. West, or how well  
22 do you know Mr. West?

23 A. Well, at the beginning of our buyer/seller  
24 relationship, he -- I have spoken to him about his  
25 needs, requirements for urns that he bought through

1 us.

2 Q. Did any of these urns that he bought from  
3 United Priority Distributors, were any of those urns  
4 marketed under the name Weeping Angel?

5 A. Well, he never bought a Weeping Angel from  
6 us, as far as I can recall. I do not think so.

7 Q. Okay. But he bought other urns from United  
8 Priority Distributors?

9 A. Yes, of course.

10 Q. Okay. And these urns that he bought from  
11 United Priority Distributors he sold through Perfect  
12 Memorials?

13 A. Yes. I think -- yes. I would definitely  
14 assume, yes. Of course.

15 Q. Is it fair -- okay. Is it fair to say that  
16 Perfect Memorials is a direct competitor with United  
17 Priority Distributors today?

18 A. For two In The Light Urns.

19 Q. For two In The Light Urns --

20 A. Right. We're both retail companies. We're  
21 both retail companies, so, yes, we are a direct  
22 competition.

23 Q. Do you know any information as to -- or do  
24 you have any information as to why Perfect Memorials  
25 chose to sell an urn under the name Weeping Angel?

1           A. I can only say that I have found that he has  
2 a tendency to pull a name, while full knowing that the  
3 Internet is based on names. So ....

4           Q. Meaning that -- are you saying that these  
5 names were names used by United Priority Distributors  
6 that he's pulling, or just names in general?

7           A. He has -- he pulls -- he takes -- okay. He  
8 has a pretty -- pretty good record of copying names of  
9 products from other companies, to basically grab what  
10 they have and use it for his name. I never -- I never  
11 grab another name, because if I do that, I'm not  
12 original.

13           However, I can say that I feel that he does  
14 it to grab the juice that company has, or he simply  
15 likes it and takes it and -- um-hum.

16           Q. To clarify, are you saying that you -- you  
17 know that he has adopted names used by your company  
18 after -- after these names have been adopted by your  
19 company, and more -- maybe I'll leave it at that and  
20 then I'll follow up.

21           A. Yes.

22           Q. Okay. And more than just the Weeping Angel  
23 name.

24           A. Yes.

25           Q. And you also believe he's -- or know that



1 he's done this to other companies, other than your  
2 company?

3 MR. NIKOLAI: Objection, leading. Go ahead  
4 and answer.

5 THE WITNESS: I actually don't know about  
6 other companies, because I don't regulate what he does  
7 with them.

8 MR. GODFREED: Okay. Just give me one moment  
9 to review my notes. That might be it for direct.

10 (Off record.)

11 MR. GODFREED: Okay. That's it for direct.

12 THE WITNESS: Thank you.

13 CROSS EXAMINATION

14 BY MR. NIKOLAI:

15 Q. Good morning, Ms. Fraser. My name is Peter  
16 Nikolai. I represent Perfect Memorials, and I've  
17 already stated that, but I just wanted to get that --  
18 make sure that you understood that.

19 You just testified that you don't regulate  
20 what my client does, correct?

21 A. I said I don't regulate meaning I don't keep  
22 an eye out for names that Perfect Memorial may be  
23 copying from other websites or vice versa. I'm only  
24 concerned with my own website, the names I choose and  
25 companies that copy them.

1 Q. Okay. You don't work for Perfect Memorials,  
2 correct? You're not an employee?

3 A. Never.

4 Q. And you've never been an employee?

5 A. No.

6 Q. Have you ever been to their offices in  
7 Minnesota?

8 A. I've never been to Minnesota.

9 Q. So you've never been to their offices?

10 A. No.

11 Q. So as you sit here today, you don't know what  
12 motivates my client to adopt a particular trademark or  
13 a description of their goods?

14 A. It would be impossible for me to know exactly  
15 what he's thinking.

16 MR. NIKOLAI: If the court reporter could  
17 hand Ms. Fraser a copy of the page marked at the  
18 bottom with Bates number PM-TTAB 330.

19 (Whereupon Deposition Exhibit 1  
20 marked for identification.)

21 BY MR. NIKOLAI:

22 Q. Ms. Fraser, just so I'm sure we're all on the  
23 same page, could you hold the paper up, so that we can  
24 see it, so --

25 A. (Witness complies.)

1 Q. Okay. That's correct. All right. Do you  
2 recognize this document?

3 A. I recognize my web page from a very long time  
4 ago.

5 Q. Is it a specimen -- is it the specimen from  
6 your application for the -- to register the mark  
7 Weeping Angel?

8 A. I don't remember.

9 MR. GODFREED: Objection, the application  
10 speaks for itself, but you can go ahead and answer.

11 THE WITNESS: I -- I don't know.

12 BY MR. NIKOLAI:

13 Q. Does it appear that it was printed from your  
14 website inthelightturns.com?

15 A. Yes.

16 Q. Do you believe this is a true and correct  
17 copy of the printout from your website?

18 A. Yes.

19 Q. And this is a genuine copy of -- of a  
20 printout from your website?

21 A. Well, no, because it is completely  
22 cut off of all the other information that would be on  
23 the page. This is just three products, and the logo  
24 and a header.

25 Q. Okay. So the other information, that would

1 include like the URL at the bottom, correct?

2 A. It would include a lot more information. It  
3 would include a navigation bar. It doesn't even  
4 indicate that this has been searched, so the search  
5 field is not filled out. It's simply three products  
6 pasted on a part of my page.

7 Q. Okay. Inthelighturns.com, is that your  
8 online web store?

9 A. Yes.

10 Q. And you own the domain name  
11 inthelighturns.com?

12 A. Yes.

13 Q. And on this page, it shows three products,  
14 correct?

15 A. Yes.

16 Q. And you sell these three products, correct?

17 A. Yes.

18 Q. On the left-hand side, it shows a product  
19 labeled Weeping Angel Wood Art Urn, correct?

20 A. Yes.

21 Q. And you sell a Weeping Angel art -- wood and  
22 art urn?

23 A. Yes.

24 Q. Next, it shows on the -- in the middle, the  
25 Weeping Angel Art Urn. Do you see that?

1 A. Yes.

2 Q. And you sell this urn that's marked Weeping  
3 Angel Art Urn?

4 A. Yes.

5 Q. And on the right, you show a Weeping Angel  
6 Keepsake Art Urn, correct?

7 A. Yes.

8 Q. And you sell that art urn?

9 A. Yes.

10 Q. And looking back now to the Weeping Angel  
11 Wood & Art Urn -- actually, strike that.

12 For all three of these, they show a figure  
13 with what appears to be wings; is that correct?

14 A. Yes.

15 Q. And the figure has a long robe?

16 A. Yes.

17 Q. And the figure is an angel, correct?

18 A. Yes.

19 Q. And in these -- in each of these three, the  
20 angel is leaning on a clear cloud?

21 A. Yes.

22 Q. Is that correct?

23 A. Um-hum.

24 Q. And their head is buried in its arms?

25 A. Yes.

1 Q. Right?

2 A. Um-hum.

3 Q. And is the -- because the angel's burying its  
4 head in its arms, is that an expression of grief by  
5 the angel?

6 MR. GODFREAD: Objection, calls for  
7 speculation.

8 THE WITNESS: It's going to be in the eye of  
9 the beholder.

10 BY MR. NIKOLAI:

11 Q. Is the angel weeping?

12 A. I can't see that she's weeping. I can't see  
13 her face.

14 Q. But it's expressing some sort of grief,  
15 correct?

16 A. Again, it would be up to the eye of the  
17 beholder.

18 Q. Is the -- the angel's not dancing, is it?

19 A. No.

20 Q. And you can't see its face, correct?

21 A. No.

22 Q. So it doesn't appear that the angel is  
23 smiling, does it?

24 A. Can't --

25 MR. GODFREAD: Objection, calls for

1 speculation again.

2 THE WITNESS: Can't see her face.

3 MR. NIKOLAI: Would you hand the witness the  
4 document marked -- the first page is marked UPD 00056,  
5 please.

6 (Whereupon Deposition Exhibit 2  
7 marked for identification.)

8 BY MR. NIKOLAI:

9 Q. All right. Ms. Fraser, you've been handed  
10 what's been marked Exhibit 2. Can you identify this  
11 document?

12 A. This is our Weeping Angel Wood & Art Urn.

13 Q. The first page.

14 A. Yes.

15 Q. Could you please page through each page, so  
16 you make sure that you --

17 A. I have a number of pages.

18 Q. Yeah. Do you recognize all those pages?

19 MR. GODFREED: Maybe as a point of  
20 clarification, you're asking if she identifies the  
21 exhibit as a whole or --

22 MR. NIKOLAI: Each of the pages, yeah.

23 MR. GODFREED: Each page?

24 MR. NIKOLAI: Each page, does she recognize  
25 all the pages, so that as a whole she recognizes it.

1 MR. GODFREAD: Okay.

2 THE WITNESS: Yes, I recognize every page.

3 BY MR. NIKOLAI:

4 Q. What is this document?

5 A. Pardon?

6 Q. What is this document that's been marked  
7 Exhibit 2?

8 A. These are products on In The Light Urns of  
9 Weeping Angel urns.

10 Q. And these are from your website? These are  
11 printouts from your website?

12 A. Yes.

13 Q. Are these printouts true and correct  
14 copies -- true and correct copies of pages from your  
15 website?

16 A. I believe so. I can't say word for word.

17 Q. Is this --

18 A. I can't say word --

19 Q. Finish your answer.

20 A. Thank you. I can't say word for word, but  
21 they certainly appear to be copies of pages of our  
22 urns.

23 Q. And these pages are kept on your website as  
24 part of your ordinary course of business?

25 A. Yes.



1 Q. And it's your regular practice to keep these  
2 Weeping Angel urns up on your website?

3 A. Unless they're out of stock.

4 MR. NIKOLAI: I hereby move the admission of  
5 Exhibit 2.

6 MR. GODFREED: No objection.

7 BY MR. NIKOLAI:

8 Q. Look at page -- the first page marked in the  
9 lower right-hand corner UPD 00056.

10 A. Um-hum.

11 Q. This page shows your Weeping Angel Art Urn,  
12 Wood & Art Urn, correct?

13 A. Yes.

14 Q. And this is the same Weeping Angel Wood & Art  
15 Urn that we saw in Exhibit 1, correct?

16 A. Yes.

17 Q. And it's part of your Weeping Angel urn line;  
18 is that correct?

19 A. Yes.

20 Q. In the Memorial Details section, it says our  
21 Weeping Angel Wood & Art Urn is an incredible  
22 depiction of the Angel of Grief monument sculpture  
23 made in 1894 by William Wetmore Story for his wife  
24 Evelyn. Do you see that?

25 A. Yes.

1 Q. And is that statement correct?

2 A. Yes.

3 Q. And it says a little bit later that the angel  
4 is leaning on a clear cloud mourning the loss of a  
5 loved one. Do you see that?

6 A. Yes.

7 Q. Because the Weeping Angel Wood & Art Urn is  
8 identical to the wood and art urn of Exhibit 1, both  
9 are depictions of the Angel of Grief sculpture made by  
10 William Story, correct?

11 A. Can you repeat the question?

12 Q. Because the Weeping Angel Wood & Art Urn is  
13 identical to the Weeping Angel Wood & Art Urn from  
14 Exhibit 1 that we just went over, they are both  
15 depictions of the Angel of Grief sculpture by William  
16 Story, correct?

17 A. No. I don't know what you mean, because  
18 Exhibit 2 is the same as Exhibit 1.

19 Q. The picture on -- the main picture of Exhibit  
20 2, is that identical to the picture labeled Weeping  
21 Angel Wood & Art Urn in Exhibit 1?

22 A. Yes.

23 Q. Okay. So both are depictions of the Angel of  
24 Grief?

25 A. Yes.

1 Q. And the Angel of Grief was created by William  
2 Story, correct?

3 A. Yes.

4 Q. Good. Please turn to page UPD 59. It will  
5 be about the fourth page of the document, I believe.

6 A. Yes.

7 Q. This is the Weeping Angel Keepsake Art Urn,  
8 correct?

9 A. Yes.

10 Q. And it's the Weeping Angel Keepsake Art Urn  
11 that you sell, correct?

12 A. Yes.

13 Q. And the memorial detail section is -- has  
14 substantially similar, if not the same, wording as the  
15 memorial detail section for the Weeping Angel Wood &  
16 Art Urn, correct?

17 A. There are differences, but it is.

18 Q. And if you compare the keepsake art urn shown  
19 on page UPD 0059 to the Weeping Angel Keepsake Art Urn  
20 of Exhibit 1, they're substantially the same, correct?

21 A. We're comparing keepsake from Exhibit 1 to  
22 Exhibit 2?

23 Q. Yes.

24 A. Yes.

25 Q. And, again, your Weeping Angel Keepsake Art

1       Urn is a copy of -- or -- strike that.

2               Your Weeping Angel Keepsake Art Urn is a  
3       depiction of the Angel of Grief monument, correct?

4       A.   Yes.

5       Q.   Please turn to page 62. Are you there?

6       A.   Yes.

7       Q.   And this is labeled the Weeping Angel Art  
8       Urn, correct?

9       A.   Yes.

10       Q.   And this one is different from the other two,  
11       because there appear to be two angels, one on each  
12       side of the urn; is that correct?

13       A.   Yes.

14       Q.   And the Weeping Angel Art Urn on page 62 is  
15       identical to the Weeping Angel Art Urn from -- shown  
16       on Exhibit 1, correct?

17       A.   Yes.

18       Q.   Okay. And you used the same Memorial Details  
19       section here that declares that the Weeping Angel Art  
20       Urn is an incredible depiction of the Angel of Grief  
21       monument sculpture, correct?

22       A.   Yes. This -- this sculpture that was made by  
23       Starlight Originals for our company, was made through  
24       an inspiration of the monument in the Protestant  
25       Cemetery in Rome, absolutely.

1 Q. Okay. All right. Please turn to page 65.

2 A. Um-hum.

3 Q. UPD 00065.

4 A. Um-hum.

5 Q. And this is labeled the Weeping Angel Old

6 World Bronze Urn.

7 A. Um-hum.

8 Q. Correct?

9 A. Yes.

10 Q. And this is different, because instead of  
11 being on a clear cloud, it looks like the -- it looks  
12 more like the actual monument that Mr. Story created,  
13 correct?

14 A. Yes. They are both depicting the original  
15 monument in different ways, but --

16 Q. One has the clear cloud and one does not.  
17 It's more similar to the -- strike that.

18 The monument created in the Protestant -- in  
19 the Protestant Cemetery in Rome doesn't have a clear  
20 cloud, right?

21 A. No, there's no clear cloud. There's a cement  
22 structure the angel is leaning over, and we chose a  
23 cloud, because you cannot create a cement structure  
24 out of lucite, but we alluded to the fact that that is  
25 the monument that we were offering as an urn to the

1 client.

2 Q. Okay. And so the Weeping Angel Old World  
3 Bronze Urn, that's a -- also a depiction of the  
4 Weeping Angel or the Angel of Grief monument?

5 A. Yes.

6 Q. Turn to page 67. This is the Weeping Angel  
7 Child Urn, correct?

8 A. Yes.

9 Q. Is it also a depiction of the -- or, strike  
10 that.

11 Is it inspired by the Angel of Grief  
12 monument?

13 A. Yes.

14 Q. And it's a depiction of the Angel of Grief  
15 monument, correct?

16 A. It's inspired by it. All of them are  
17 inspired by Mr. Story's monument for his wife.

18 Q. Do you use the Weeping Angel mark on any urn  
19 that is not inspired by the Angel of Grief monument?

20 A. No. As a name, no.

21 MR. NIKOLAI: For Exhibit 3, I'm going to  
22 skip ahead to the document. It's a two-page document  
23 starting with PM-TTAB 000848.

24 (Whereupon Deposition Exhibit 3  
25 marked for identification.)

1 BY MR. NIKOLAI:

2 Q. Could you hold it up for me to make sure  
3 we're on the same page?

4 A. (Witness complies.)

5 Q. All right. Thank you.

6 Have you seen this document before?

7 A. Yes. Well, it's a page from my site, appears  
8 to be.

9 Q. And you've registered the Trademark Angel of  
10 Grief with the U.S. Trademark Office, correct?

11 A. I have.

12 Q. And you -- did you register that mark in  
13 connection with funeral urns?

14 A. Yes.

15 Q. What is Exhibit 3?

16 A. It's an Angel of Grief Art Urn.

17 Q. Is it a printout from the inthelighturns.com  
18 website?

19 A. Yeah, I -- it certainly looks like it.

20 Q. Is this a true and correct copy of -- or,  
21 strike that.

22 Is this printout a true and correct copy of a  
23 page from your website offering your Angel of Grief  
24 Art Urn?

25 A. Yes. It certainly looks like it.

1 Q. And this urn is kept in the ordinary course  
2 of your business on your website -- I'm sorry. This  
3 page is kept in the ordinary course of business of  
4 your website?

5 A. Yes.

6 Q. And it's your regular practice to put your  
7 products up like this on your website, correct?

8 A. Yes.

9 MR. NIKOLAI: Move the admission of Exhibit  
10 3.

11 MR. GODFREED: No objection.

12 BY MR. NIKOLAI:

13 Q. It's a little blurry, I realize, but that's  
14 your picture on the bottom, is it not?

15 A. Yes.

16 Q. And this is part of your Beautiful Angel of  
17 Grief Urn Line, correct?

18 A. Yes.

19 Q. And in the Memorial Details section, it says  
20 that the Angel of Grief Art Urn is an incredible  
21 depiction of the weeping angel monument sculpture made  
22 in 1894 by William Wetmore Story, an American poet and  
23 sculpture for his wife Evelyn. Do you see that?

24 A. Yes.

25 Q. Is that correct?



1 A. Yes, that's what it says.

2 Q. Is the statement made by you on your website  
3 correct, that this is a depiction of the sculpture  
4 made by Mr. Story?

5 A. It is a depiction of the sculpture made by  
6 Mr. Story, yes.

7 Q. And do you see in the first line of the  
8 memorial -- of the Memorial Details section, the  
9 phrase weeping angel appears?

10 A. I see that, yes.

11 Q. And you see that you have not capitalized  
12 either of the words weeping or angel?

13 A. No, it's not capitalized. It's considered in  
14 the industry --

15 Q. Excuse me. And there -- all letters are  
16 lower case there, correct?

17 A. Yes.

18 Q. And at the beginning of the sentence, you  
19 have the circle R or what appears to be the circle R  
20 next to the words Angel of Grief, correct?

21 A. Correct.

22 Q. And the circle R indicates that the Angel of  
23 Grief is a registered trademark owned by you, correct?

24 A. Yes.

25 Q. And there's no circle R next to the weeping

1 angel mark, right?

2 A. Well, had I been able to get my trademark  
3 completed, it would have been under the Weeping Angel  
4 urn only. Here, this is a search term used in the  
5 industry on the Internet to get people to find like  
6 urns.

7 Q. I'm sorry. What is the search term?

8 A. The search term for this urn --

9 Q. Yeah.

10 A. -- could be Weeping Angel, Angel of Grief,  
11 Angel Urn.

12 Q. So customers of In The Light Urns may use the  
13 term weeping angel to find products related to the  
14 weep -- to something that looks like a weeping angel.

15 A. Hopefully --

16 MR. GODFREAD: Objection, calls for  
17 speculation.

18 THE WITNESS: Hopefully on our website, they  
19 will find more than the urns that you've indicated,  
20 many more, because we are using the word weeping angel  
21 to describe an angel.

22 MR. NIKOLAI: Okay. I have no further  
23 questions.

24 MR. GODFREAD: Do you mind giving me just a  
25 few minutes to review before we do redirect?

1 THE WITNESS: Yes.

2 (Off record.)

3 THE WITNESS: Can I say anything else?

4 MR. GODFREAD: Well --

5 MR. NIKOLAI: There's no question.

6 MR. GODFREAD: There's no question before  
7 you.

8 THE WITNESS: Oh. All right.

9 MR. GODFREAD: Perhaps if you need to amend  
10 or correct an answer to a previous question, let us  
11 know.

12 THE WITNESS: Yes. The last question.

13 MR. GODFREAD: What was the question?

14 THE WITNESS: The question was in pertaining  
15 to the words weeping angel in the description for the  
16 Angel of Grief. When the word weeping angel was used  
17 in the description of the Angel of Grief, it was there  
18 as a description, but when the Weeping Angel urn name  
19 is used for the urn, it is a brand, and for us, it's  
20 extremely important that we brand our names and later  
21 we can brand -- we have branded -- tried to brand  
22 Weeping Angel, and we call it a depiction of the Angel  
23 of Grief, and that was what I wanted to say.

24 MR. NIKOLAI: If she's going to give that  
25 answer, I've got questions.

1 MR. GODFREAD: Follow-up questions to that  
2 question?

3 MR. NIKOLAI: Yeah. I'm going to ask the  
4 witness some more questions, and the -- if there's an  
5 objection from Mr. Godfread, then the TTAB can decide  
6 whether it's appropriate or not.

7 MR. GODFREAD: I think, yes, I'll object only  
8 to the extent if these follow-up questions don't  
9 directly flow from Ms. Fraser's correction or  
10 amendment to the last answer.

11 MR. NIKOLAI: Okay.

12 BY MR. NIKOLAI:

13 Q. Ms. Fraser, if you look at page -- or Exhibit  
14 3, it's your Angel of Grief urn.

15 MR. GODFREAD: Is this page 3 of which  
16 exhibit?

17 MR. NIKOLAI: I'm sorry. We're looking at  
18 Exhibit 3, page PM-TTAB 848.

19 MR. GODFREAD: Okay.

20 BY MR. NIKOLAI:

21 Q. And there's a picture of your urn there,  
22 correct?

23 A. Yes.

24 Q. And that urn -- that picture shows a figure  
25 with wings, correct?

1 A. Yes.

2 Q. And that picture there shows a figure  
3 wearing -- the figure with wings also has a long robe,  
4 correct?

5 A. Yes.

6 Q. And she has her head down, correct?

7 A. Yes.

8 Q. In her arms?

9 A. Yes.

10 MR. GODFREED: Objection, I don't believe  
11 these questions here are based solely on Ms. Fraser's  
12 amendment.

13 MR. NIKOLAI: It will be.

14 BY MR. NIKOLAI:

15 Q. Is that correct?

16 A. Yes.

17 Q. And she is leaning over a structure, correct?

18 A. Yes.

19 Q. And it is a depiction of the Angel of Grief  
20 urn -- or, I'm sorry, the Angel of Grief monument in  
21 Rome, correct?

22 A. Yes. This one is different.

23 Q. Now, please turn your attention to -- I  
24 believe it was Exhibit 2, page UPD 00065. That's your  
25 Weeping Angel Old World Bronze Urn.

1 A. Um-hum.

2 Q. Do you see that?

3 A. I'm getting it.

4 Q. Okay.

5 A. Yes. I see it.

6 Q. And that -- that shows a figure that has  
7 wings, correct?

8 A. Yes.

9 Q. And the figure with wings has a long, flowing  
10 robe, correct?

11 A. Yes.

12 Q. And the figure with wings with the long,  
13 flowing robe is an angel, correct?

14 A. Yes.

15 Q. And it is also based on the Angel of Grief  
16 monument in Rome, correct?

17 A. But it is different.

18 Q. It's based on it, though, correct?

19 A. It is a depiction.

20 Q. Okay. So both the Angel of Grief Art Urn in  
21 Exhibit 3 and the Weeping Angel Old World Bronze  
22 art -- Bronze Urn are depictions of the Angel of Grief  
23 sculpture or Angel of Grief monument sculpture in  
24 Rome, correct?

25 A. Yes.

1 Q. And because they have the title Angel of  
2 Grief, both appear to be grieving, correct? The angel  
3 appears to be grieving in both, correct?

4 A. I'm -- I would assume that was what the  
5 artist wanted to convey when he created -- had this  
6 created for his wife.

7 Q. And your product is an urn, correct?

8 A. Yes. All products are urns.

9 Q. And because you put the remains of a loved  
10 one in an urn, presumably it is also associated with  
11 grief, correct?

12 A. With -- many terms are associated with grief.  
13 Mourning. Many, many terms are used.

14 Q. Weeping?

15 A. Weeping is something that one does, and  
16 cannot be seen on any of these angels.

17 Q. But a person who's grieving may be weeping,  
18 correct?

19 A. Not necessarily.

20 Q. If a person is grieving, they may weep,  
21 correct?

22 A. They might. I talk to grieving people every  
23 day and they're never crying, almost never.

24 Q. The phrase weeping angel as it appears in  
25 Exhibit 3 on page 848, you did not put a superscript

1 TM there, correct?

2 MR. GODFREAD: Objection --

3 THE WITNESS: Okay. I'm not on that page.

4 MR. GODFREAD: Pardon me. I'll repeat.

5 Objection, this does not relate to or flow from the  
6 one amended answer and opposing -- Counsel or Opposers  
7 already closed cross.

8 MR. NIKOLAI: She reopened cross when she  
9 amended her answer when there was no question pending,  
10 so I think that I'm --

11 MR. GODFREAD: I know. I'm just stating the  
12 objection that --

13 MR. NIKOLAI: Understood.

14 MR. GODFREAD: -- I'm objecting to any of the  
15 questions to the extent they don't flow from that one  
16 amended answer.

17 MR. NIKOLAI: Her amended answer was that  
18 this was not -- even though it was descriptive, it  
19 still could be a brand, and I'm not -- we'll argue  
20 that later. There's no need to do it here. I have no  
21 further questions.

22 MR. GODFREAD: Just a few on redirect.

23 REDIRECT EXAMINATION

24 BY MR. GODFREAD:

25 Q. Mr. Nikolai asked you many questions about



1 Exhibits 2 and 3 and what is being depicted in those  
2 pictures. I think it's safe to say you answered  
3 something along the lines of they all have something  
4 to do with a statue in Rome.

5 My question is do any of them -- are any of  
6 them an exact replica of that statue in Rome?

7 A. No.

8 Q. Do -- and I'll point to exhibits -- I have  
9 them in front of me, Exhibits 2 and 3, the picture  
10 that appears on the first page of those. I think  
11 Exhibit 2, the first page is the Weeping Angel Wood &  
12 Art Urn, and the top of Exhibit 3 is the Angel of  
13 Grief Art Urn.

14 A. Um-hum.

15 Q. Do those two urns -- are those two urns made  
16 of different materials?

17 A. They're made of different materials and  
18 they're actually quite different. The Angel of Grief  
19 has the poem from the original statue and --

20 Q. Are the -- oh. Go ahead.

21 A. The Weeping Angel does not have a poem.

22 Q. Are the angels as depicted, are they in  
23 different poses or postures?

24 MR. NIKOLAI: Objection, leading.

25 THE WITNESS: Her --

1 MR. GODFREAD: Go ahead and answer, if you  
2 can.

3 THE WITNESS: Her shoulders are rounded. Her  
4 arms are in different positions on both of them.  
5 Completely different positions her arms are in.

6 BY MR. GODFREAD:

7 Q. But whether they are both adapted from the  
8 same statue or monument, they are not -- they're not  
9 each the same --

10 A. No.

11 Q. -- as each other.

12 A. No. No. The line for Angel of Grief and  
13 Weeping Angel, for branding for each of these, our  
14 plan was to build out completely different products  
15 with other types of products, but our process has been  
16 halted, and we have only what we have to work with  
17 until we can go forward again.

18 MR. GODFREAD: Nothing further.

19 MR. NIKOLAI: Thank you, Ms. Fraser.  
20 Appreciate it.

21 THE WITNESS: Thank you both. Have a good  
22 day.

23 MR. GODFREAD: And we're off the record.

24 (Discussion off the record.)

25 MR. GODFREAD: We're back on the record.

1 Just going back on the record to indicate or clarify  
2 that Ms. Fraser will read and sign the deposition  
3 transcript once it's available. Any other  
4 stipulations or statements for the record?

5 MR. NIKOLAI: No.

6 THE WITNESS: Yes. Okay.

7 MR. GODFREAD: Any questions on your end?

8 THE WITNESS: No.

9 MR. GODFREAD: Let's go back off the record,  
10 and thank you.

11 (Off record.)

12 MR. NIKOLAI: Could I just order that in  
13 standard form?

14 THE REPORTER: Yes. Paul, you want a copy as  
15 well?

16 MR. GODFREAD: Yes, please. In electronic or  
17 pdf would be great.

18 MR. NIKOLAI: Oh, yeah, I want it in  
19 electronic and pdf as well.

20 (Off record.)

21 (Whereupon the deposition was  
22 adjourned at the hour of 10:00 a.m.)

23

24

25

1                   DECLARATION UNDER PENALTY OF PERJURY

2

3                   I, SUSAN FRASER, do hereby certify under  
4                   penalty of perjury that I have read the foregoing  
5                   transcript of my deposition taken on December 5, 2014;  
6                   that I have made such corrections as appear noted  
7                   herein; that my testimony as contained herein, as  
8                   corrected, is true and correct.

9

10                  DATED this \_\_\_\_\_ day of \_\_\_\_\_,  
11                  2014, at \_\_\_\_\_, California.

12

13

14

15

-----  
SUSAN FRASER

16

17

18

19

20

21

22

23

24

25

1 REPORTER'S CERTIFICATION

2

3 I, Allison Gerdes, Certified Shorthand  
4 Reporter in and for the State of California, do hereby  
5 certify:

6

7 That the foregoing witness was by me duly  
8 sworn; that the deposition was then taken before me at  
9 the time and place herein set forth; that the  
10 testimony and proceedings were reported  
11 stenographically by me and later transcribed into  
12 typewritten form under my direction; that the  
13 foregoing is a true record of the testimony and  
14 proceedings taken at that time.

15

16 IN WITNESS WHEREOF, I have subscribed my  
17 name on \_\_\_\_\_, 2014.

18

19

20

21

22

\_\_\_\_\_  
Allison Gerdes, CSR NO. 8649

23

24

25

<b>A</b>					
a.m 2:23 42:22	25:3,7,9,12	19:25 20:3,6	29:3 36:25	click 13:2	20:6,13,17,22
ability 10:16,17	25:13,15,21	20:8,11	37:21,22	client 16:20	21:15,20
able 33:2	25:23 26:1,7	22:12 24:11	build 41:14	17:12 29:1	23:13,14
absolutely 6:17	26:10,15,19	24:12,14,21	buried 20:24	close 11:3	24:12,15,18
7:8 8:10,20	26:25 27:2,3	25:7,8,12,13	burying 21:3	closed 39:7	25:1,10,16
10:4,23 12:6	27:7,14,15,19	25:21 26:7	business 6:3	cloud 20:20	26:2,8,11,16
27:25	27:20 28:5	26:10,16,18	6:15,16 7:11	25:4 28:11	26:20 27:3,8
actual 28:12	28:22 29:2,4	26:19,25	7:15 23:24	28:16,20,21	27:12,16,21
ad 11:19	29:4,6,11,14	27:2,7,14,15	31:2,3	28:23	28:8,13 29:7
adapted 41:7	29:18,19	27:19 30:16	businesses	come 8:12	29:15 30:10
additional 8:23	30:9,16,23	30:24 31:20	6:25 7:4	11:24 12:1	30:20,22
address 4:20	31:16,20,21	37:20,22	buyer/ seller	13:7,8	31:7,17,25
adjourned	32:9,12,20,22	40:12,13	13:23	comma 13:6,6	32:3,16,20,21
42:22	33:1,3,10,10	artist 38:5	buying 6:20	13:7	32:23 34:10
admission 24:4	33:11,13,14	asked 39:25		companies	35:22,25
31:9	33:20,21	asking 22:20	<b>C</b>	14:20,21	14:20,22
admonition	34:15,16,16	associated	California 1:13	15:9 16:1,6	36:4,6,15,17
10:21	34:17,18,22	38:10,12	2:22,25	16:25	36:21 37:7
adopt 17:12	34:22 35:14	assume 14:14	43:11 44:4	company 6:20	37:10,13,16
adopted 8:24	36:19,20,25	38:4	call 34:22	6:23 7:7 9:3	37:18,24
15:17,18	37:13,15,20	assuming 7:3	called 9:21	13:3 15:14	38:2,3,7,11
adopting 8:22	37:21,22,23	attention 36:23	calls 21:6,25	15:17,19	38:18,21
9:6	38:1,2,24	attorney 2:5,10	33:16	16:2 27:23	39:1 43:8
ads 12:7,10	40:11,12,18	6:3,3	capitalized	company's	corrected 43:8
advertise	40:21 41:12	available 42:3	32:11,13	13:14	correction 35:9
11:14	41:13	Avenue 2:11	case 10:10	compare 26:18	corrections
advertising	angel's 21:3,18		32:16	26:21	43:6
11:12,12,18	angels 27:11	<b>B</b>	cement 28:21	comparing	Counsel 2:1
11:22,24	38:16 40:22	back 20:10	28:23	26:21	5:6 39:6
12:5,16	answer 10:16	41:25 42:1,9	Cemetery	competition	course 9:4
ago 18:4	16:4 18:10	bar 19:3	27:25 28:19	14:22	11:15 14:9
ahead 7:25	23:19 34:10	based 8:3,13	century 8:5	competitor	14:14 23:24
16:3 18:10	34:25 35:10	15:3 36:11	certainly 11:2	14:16	31:1,3
29:22 40:20	39:6,9,16,17	37:15,18	12:17,17	completed	court 17:16
41:1	41:1	basically 15:9	23:21 30:19	33:3	create 8:4
Allison 1:25	answered 40:2	Bates 3:13,15	30:25	completely	28:23
2:23 44:3,22	Appeal 1:2 6:6	3:17 17:18	CERTIFI CATI ...	18:21 41:5	created 8:5,16
alluded 28:24	appear 18:13	Beautiful 31:16	44:1	41:14	26:1 28:12
amend 34:9	21:22 23:21	beginning	Certified 2:24	complies 17:25	28:18 38:5,6
amended 39:6	27:11 38:2	13:23 32:18	44:3	30:4	creation 7:8
39:9,16,17	43:6	beholder 21:9	certify 43:3	concerned	creature 8:15
amendment	APPEARANCES	21:17	44:5	16:24	cremation 7:7
35:10 36:12	2:1	believe 9:10	change 12:10	connected 8:15	cross 3:3 5:12
American	appears 20:13	12:9,17	changed 10:1,5	connection	16:13 39:7,8
31:22	30:7 32:9,19	15:25 18:16	character 8:13	30:13	cross-examine
angel 6:7 7:17	38:3,24	23:16 26:5	8:16	considered	5:12
7:20 8:4,8,11	40:10	36:10,24	check 9:2	11:25 32:13	cross-exami...
8:12,13,19,22	Applicant 1:8	best 10:15,17	Child 29:7	contained 43:7	4:11 10:25
8:25 9:1,7,15	2:2 4:12 5:2	bit 13:13 25:3	choose 16:24	Continuing	crying 38:23
9:15,21,24	Applicant's 5:4	blurry 31:13	chose 7:22	9:18	CSR 1:25 44:22
10:8 11:6,16	5:6,8	Board 1:2 6:6	14:25 28:22	convey 38:5	customer
11:20 12:4,8	application	bottom 17:18	chosen 7:21	copies 23:14	11:22 12:23
12:15 14:4,5	10:6,8,9 18:6	19:1 31:14	8:2	23:14,21	13:8
14:25 15:22	18:9	bought 13:25	circle 32:19,19	copy 16:25	customers
18:7 19:19	Appreciate	14:2,5,7,10	32:22,25	17:17 18:17	33:12
19:21,25	41:20	brand 8:3,4 9:4	clarification	18:19 27:1	cut 18:22
20:3,5,10,17	appropriate	11:21 34:19	22:20	30:20,22	
20:20 21:5	35:6	34:20,21,21	clarify 10:6,18	42:14	<b>D</b>
21:11,22	argue 39:19	39:19	15:16 42:1	copying 15:8	dancing 21:18
22:12 23:9	arms 20:24	branded 34:21	clear 5:19 11:1	16:23	DATED 43:10
24:2,11,14,17	21:4 36:8	branding 41:13	20:20 25:4	corner 24:9	day 38:23
24:21,22	41:4,5	British 8:13	28:11,16,19	correct 16:20	41:22 43:10
	art 19:19,21,22	Bronze 28:6	28:21	17:2 18:1,16	days 4:16
				19:1,14,16,19	deadline 5:2

<b>December</b> 1:15 2:23 43:5 <b>decide</b> 35:5 <b>DECLARATION</b> 43:1 <b>declares</b> 27:19 <b>definitely</b> 11:14 14:13 <b>depicted</b> 40:1 40:22 <b>depicting</b> 28:14 <b>depiction</b> 24:22 27:3,20 29:3 29:9,14 31:21 32:3,5 34:22 36:19 37:19 <b>depictions</b> 25:9 25:15,23 37:22 <b>deposition</b> 1:12 2:21 5:5 6:5 17:19 22:6 29:24 42:2,21 43:5 44:8 <b>describe</b> 13:4 33:21 <b>description</b> 13:5 17:13 34:15,17,18 <b>descriptive</b> 39:18 <b>detail</b> 26:13,15 <b>Details</b> 24:20 27:18 31:19 32:8 <b>differences</b> 26:17 <b>different</b> 27:10 28:10,15 36:22 37:17 40:16,17,18 40:23 41:4,5 41:14 <b>direct</b> 3:2 4:9 5:24 14:16 14:21 16:9 16:11 <b>direction</b> 44:12 <b>directly</b> 11:13 35:9 <b>disclose</b> 4:19 <b>disclosure</b> 4:19 4:22 5:3,4,8 <b>disclosures</b> 4:13,16 5:10 <b>discover</b> 9:9 <b>Discussion</b> 41:24 <b>Distributors</b> 1:7 2:2 4:12	6:4,16,19 7:16 11:8,11 14:3,8,11,17 15:5 <b>Doctor</b> 8:14 <b>document</b> 3:13 18:2 22:4,11 23:4,6 26:5 29:22,22 30:6 <b>documents</b> 3:15,17 4:25 <b>doing</b> 13:11 <b>domain</b> 19:10 <b>duly</b> 4:5 44:7  <hr/> <b>E</b> <hr/> <b>easy</b> 13:10 <b>either</b> 10:23 32:12 <b>electronic</b> 42:16,19 <b>elects</b> 5:11,12 <b>employee</b> 17:2 17:4 <b>engine</b> 11:10 11:13 12:15 13:9 <b>entitled</b> 3:13 <b>essentially</b> 11:5 <b>Evelyn</b> 24:24 31:23 <b>everybody</b> 13:10 <b>evidence</b> 4:15 5:14 <b>exact</b> 40:6 <b>exactly</b> 13:3 17:14 <b>examination</b> 3:1 4:10 5:24 16:13 39:23 <b>Excuse</b> 10:12 32:15 <b>exhibit</b> 3:12,13 3:15,17 17:19 22:6 22:10,21 23:7 24:5,15 25:8,14,18,18 25:19,21 26:20,21,22 27:16 29:21 29:24 30:15 31:9 35:13 35:16,18 36:24 37:21 38:25 40:11 40:12 <b>exhibits</b> 40:1,8 40:9 <b>expected</b> 4:24	<b>Explain</b> 12:25 <b>expressing</b> 21:14 <b>expression</b> 21:4 <b>extent</b> 35:8 39:15 <b>extremely</b> 34:20 <b>eye</b> 16:22 21:8 21:16  <hr/> <b>F</b> <hr/> <b>face</b> 21:13,20 22:2 <b>fact</b> 28:24 <b>failed</b> 4:13 <b>fair</b> 7:6 14:15 14:15 <b>far</b> 14:6 <b>fast</b> 5:16 <b>feel</b> 8:15 15:13 <b>field</b> 19:5 <b>figure</b> 20:12,15 20:17 35:24 36:2,3 37:6,9 37:12 <b>filed</b> 10:5 <b>filled</b> 19:5 <b>find</b> 8:13,19 11:23 12:24 33:5,13,19 <b>finding</b> 9:15 <b>fine</b> 5:22 <b>Finish</b> 23:19 <b>finished</b> 10:24 10:25 <b>FIRM</b> 2:4 <b>first</b> 4:5 9:6 22:4,13 24:8 32:7 40:10 40:11 <b>flow</b> 35:9 39:5 39:15 <b>flowing</b> 37:9,13 <b>follow</b> 15:20 <b>follow-up</b> 35:1 35:8 <b>following</b> 4:1 <b>follows</b> 4:5 <b>foregoing</b> 43:4 44:7,13 <b>form</b> 42:13 44:12 <b>forth</b> 44:9 <b>forward</b> 41:17 <b>found</b> 9:21 15:1 <b>fourth</b> 26:5 <b>frame</b> 9:6 <b>Fraser</b> 1:12 2:21 3:2 4:4 4:11 6:1,8,10	6:11 16:15 17:17,22 22:9 35:13 41:19 42:2 43:3,15 <b>Fraser's</b> 35:9 36:11 <b>Friday</b> 1:15 2:23 <b>front</b> 13:12 40:9 <b>full</b> 10:14 15:2 <b>funeral</b> 7:5,13 30:13 <b>funerary</b> 7:5 <b>further</b> 4:18,22 33:22 39:21 41:18  <hr/> <b>G</b> <hr/> <b>general</b> 4:23 4:24 15:6 <b>genuine</b> 18:19 <b>Gerdes</b> 1:25 2:24 44:3,22 <b>getting</b> 37:3 <b>give</b> 16:8 34:24 <b>giving</b> 33:24 <b>go</b> 7:25 16:3 18:10 40:20 41:1,17 42:9 <b>Godfred</b> 2:4,4 3:2,3 5:15,18 5:23,25 6:2 10:15,19 16:8,11 18:9 21:6,25 22:19,23 23:1 24:6 31:11 33:16 33:24 34:4,6 34:9,13 35:1 35:5,7,15,19 36:10 39:2,4 39:11,14,22 39:24 41:1,6 41:18,23,25 42:7,9,16 <b>going</b> 7:25 21:8 29:21 34:24 35:3 42:1 <b>good</b> 4:7 15:8 16:15 26:4 41:21 <b>goods</b> 17:13 <b>Google</b> 11:13 11:14,24 12:8,15 <b>grab</b> 15:9,11 15:14 <b>great</b> 42:17 <b>grief</b> 8:4 21:4	21:14 24:22 25:9,15,24 26:1 27:3,20 29:4,11,14,19 30:10,16,23 31:17,20 32:20,23 33:10 34:16 34:17,23 35:14 36:19 36:20 37:15 37:20,22,23 38:2,11,12 40:13,18 41:12 <b>grieving</b> 38:2,3 38:17,20,22 <b>guys</b> 10:12  <hr/> <b>H</b> <hr/> <b>halted</b> 41:16 <b>hand</b> 17:17 22:3 <b>handed</b> 22:9 <b>head</b> 20:24 21:4 36:6 <b>header</b> 18:24 <b>hideous</b> 8:14 <b>hold</b> 17:23 30:2 <b>hopefully</b> 10:17 33:15 33:18 <b>hour</b> 42:22 <b>Hudson</b> 2:5  <hr/> <b>I</b> <hr/> <b>identical</b> 25:8 25:13,20 27:15 <b>identification</b> 17:20 22:7 29:25 <b>identifies</b> 22:20 <b>identify</b> 22:10 <b>immediately</b> 5:7 <b>important</b> 11:11 34:20 <b>impossible</b> 17:14 <b>include</b> 19:1,2 19:3 <b>incredible</b> 24:21 27:20 31:20 <b>incredibly</b> 13:10 <b>INDEX</b> 3:1,12 <b>indicate</b> 12:23 19:4 42:1 <b>indicated</b> 12:24 33:19	<b>indicates</b> 32:22 <b>indicating</b> 13:5 <b>industry</b> 7:5,5 7:10,14 32:14 33:5 <b>information</b> 14:23,24 18:22,25 19:2 <b>inspiration</b> 27:24 <b>inspired</b> 29:11 29:16,17,19 <b>intends</b> 4:20 <b>Internet</b> 8:10 8:23,25 9:3 9:14 11:21 12:5,23 13:10 15:3 33:5 <b>intelhelighturn...</b> 18:14 19:7 19:11 30:17 <b>introduced</b> 5:1 <b>involved</b> 7:10  <hr/> <b>J</b> <hr/> <b>juice</b> 15:14  <hr/> <b>K</b> <hr/> <b>keep</b> 16:21 24:1 <b>keepsake</b> 20:6 26:7,10,18,19 26:21,25 27:2 <b>kept</b> 23:23 31:1,3 <b>key</b> 11:17 12:4 12:6,14,15,22 <b>kind</b> 8:14 <b>know</b> 6:2 7:20 11:19 12:13 13:16,19,21 13:22 14:23 15:17,25 16:5 17:11 17:14 18:11 25:17 34:11 39:11 <b>knowing</b> 15:2  <hr/> <b>L</b> <hr/> <b>labeled</b> 19:19 25:20 27:7 28:5 <b>late</b> 8:5 <b>Law</b> 2:4,5,10 <b>leading</b> 16:3 40:24 <b>leaning</b> 20:20 25:4 28:22 36:17
--	---	--	---	---	---

## Page 47

<p> <b>leave</b> 15:19  <b>left-hand</b> 19:18  <b>Let's</b> 13:13  42:9  <b>letters</b> 32:15  <b>Light</b> 3:13 6:13  6:15,21,22  14:18,19  23:8 33:12  <b>likes</b> 15:15  <b>line</b> 24:17  31:17 32:7  41:12  <b>lines</b> 40:3  <b>list</b> 4:24  <b>listed</b> 12:7  <b>little</b> 13:13  25:3 31:13  <b>LLC</b> 1:4 2:8 4:9  <b>logo</b> 18:23  <b>long</b> 6:24 7:2,9  7:17 18:3  20:15 36:3  37:9,12  <b>look</b> 24:8 35:13  <b>looked</b> 5:19  <b>looking</b> 20:10  35:17  <b>looks</b> 28:11,11  30:19,25  33:14  <b>loss</b> 25:4  <b>lot</b> 19:2  <b>loved</b> 25:5 38:9  <b>lower</b> 24:9  32:16  <b>lucite</b> 28:24 </p> <hr/> <p> <b>M</b> </p> <p> <b>main</b> 25:19  <b>mark</b> 6:6 10:5  18:6 29:18  30:12 33:1  <b>marked</b> 17:17  17:20 20:2  22:4,4,7,10  23:6 24:8  29:25  <b>market</b> 9:25  11:6  <b>marketed</b> 14:4  <b>marketing</b>  11:12  <b>materials</b>  40:16,17  <b>matter</b> 4:9 6:6  <b>mean</b> 8:24  10:6 12:25  25:17  <b>meaning</b> 15:4  16:21  <b>memorial</b>  16:22 24:20 </p>	<p> 26:13,15  27:18 31:19  32:8,8  <b>Memorials</b> 1:4  2:8 4:8,11  9:9,20 11:7  12:14 13:15  13:17 14:12  14:16,24  16:16 17:1  <b>mentioned</b>  11:10  <b>MERSEREAU</b>  2:9  <b>meta</b> 12:21  13:1,6  <b>middle</b> 19:24  <b>mind</b> 33:24  <b>Minneapolis</b>  2:11  <b>Minnesota</b> 17:7  17:8  <b>minutes</b> 33:25  <b>MN</b> 2:6,11  <b>moment</b> 16:8  <b>monument</b> 8:4  24:22 27:3  27:21,24  28:12,15,18  28:25 29:4  29:12,15,17  29:19 31:21  36:20 37:16  37:23 41:8  <b>morning</b> 4:7  16:15  <b>motivates</b>  17:12  <b>mourning</b> 25:4  38:13  <b>move</b> 24:4 31:9 </p> <hr/> <p> <b>N</b> </p> <p> <b>name</b> 4:7,19  6:1,9 8:7,11  8:17,22 9:8  10:1,5 11:20  11:23 12:2  12:24,25  14:4,25 15:2  15:10,11,23  16:15 19:10  29:20 34:18  44:17  <b>names</b> 9:2 15:3  15:5,5,6,8,17  15:18 16:22  16:24 34:20  <b>navigation</b>  19:3  <b>necessarily</b>  38:19  <b>need</b> 34:9 </p>	<p> 39:20  <b>needs</b> 13:25  <b>never</b> 14:5  15:10,10  17:3,4,8,9  38:23,23  <b>Nikolai</b> 2:9,10  3:3 4:7,8  5:16,19,22  10:24 16:3  16:14,16  17:16,21  18:12 21:10  22:3,8,22,24  23:3 24:4,7  29:21 30:1  31:9,12  33:22 34:5  34:24 35:3  35:11,12,17  35:20 36:13  36:14 39:8  39:13,17,25  40:24 41:9  42:5,12,18  <b>note</b> 4:10  <b>noted</b> 43:6  <b>notes</b> 16:9  <b>notice</b> 5:5  <b>notified</b> 5:7  <b>number</b> 4:19  17:18 22:17 </p> <hr/> <p> <b>O</b> </p> <p> <b>object</b> 5:13  35:7  <b>objecting</b>  39:14  <b>objection</b> 5:21  16:3 18:9  21:6,25 24:6  31:11 33:16  35:5 36:10  39:2,5,12  40:24  <b>occupation</b>  6:12  <b>October</b> 5:3  <b>offering</b> 28:25  30:23  <b>Office</b> 1:1  30:10  <b>offices</b> 17:6,9  <b>oh</b> 34:8 40:20  42:18  <b>okay</b> 5:15,23  6:1,11,18,21  6:24 7:9,12  7:15,20,23  8:1,3,7,21  9:5,5,12,18  9:18,24  11:10,16 </p>	<p> 12:3,11,20  13:21 14:7  14:10,15  15:7,22 16:8  16:11 17:1  18:1,25 19:7  23:1 25:23  27:18 28:1  29:2 33:22  35:11,19  37:4,20 39:3  42:6  <b>Old</b> 28:5 29:2  36:25 37:21  <b>once</b> 42:3  <b>ones</b> 9:17  <b>online</b> 19:8  <b>opening</b> 4:16  <b>Opposer</b> 1:5  2:8 5:11  12:13 13:14  <b>Opposers</b> 4:8  39:6  <b>opposing</b> 39:6  <b>Opposition</b> 1:6  <b>order</b> 42:12  <b>ordinary</b> 23:24  31:1,3  <b>organic</b> 11:25  12:1  <b>organically</b>  13:7  <b>original</b> 15:12  28:14 40:19  <b>Originals</b> 27:23  <b>owned</b> 32:23  <b>Owner</b> 6:13 </p> <hr/> <p> <b>P</b> </p> <p> <b>P.A</b> 2:9  <b>P.C</b> 2:4  <b>page</b> 13:2,4  17:17,23  18:3,23 19:6  19:13 22:4  22:13,15,15  22:23,24  23:2 24:8,8  24:11 26:4,5  26:19 27:5  27:14 28:1  29:6 30:3,7  30:23 31:3  35:13,15,18  36:24 38:25  39:3 40:10  40:11  <b>pages</b> 22:17,18  22:22,25  23:14,21,23  <b>paper</b> 17:23  <b>Pardon</b> 23:5  39:4 </p>	<p> <b>part</b> 6:20,22  9:3 12:4 19:6  23:24 24:17  31:16  <b>particular</b>  17:12  <b>parts</b> 10:14  <b>party</b> 4:14  <b>pasted</b> 19:6  <b>PATENT</b> 1:1  <b>Paul</b> 2:4 6:2  42:14  <b>paul@godfre...</b>  2:7  <b>pdf</b> 42:17,19  <b>penalty</b> 43:1,4  <b>pending</b> 39:9  <b>people</b> 13:16  33:5 38:22  <b>Perfect</b> 1:4 2:8  4:8,11 9:9,20  11:7 12:13  13:15,17  14:11,16,24  16:16,22  17:1  <b>period</b> 4:17  9:19  <b>perjury</b> 43:1,4  <b>person</b> 38:17  38:20  <b>personally</b>  7:10  <b>pertaining</b>  34:14  <b>Peter</b> 2:10 4:7  16:15  <b>peter.nikolai...</b>  2:12  <b>phone</b> 6:2  13:20  <b>phrase</b> 12:14  32:9 38:24  <b>picture</b> 25:19  25:19,20  31:14 35:21  35:24 36:2  40:9  <b>pictures</b> 40:2  <b>place</b> 44:9  <b>plan</b> 41:14  <b>please</b> 6:9  10:23 22:5  22:15 26:4  27:5 28:1  36:23 42:16  <b>PM-TTAB</b> 17:18  29:23 35:18  <b>PM-TTAB-00...</b>  3:14  <b>PM-TTAB-00...</b>  3:17  <b>poem</b> 40:19</p>
---	---	---	--	---



<p><b>Q</b></p> <p><b>question</b> 10:14 10:24,25 11:3 25:11 34:5,6,10,12 34:13,14 35:2 39:9 40:5</p> <p><b>questions</b> 33:23 34:25 35:1,4,8 36:11 39:15 39:21,25 42:7</p> <p><b>quite</b> 40:18</p>	<p><b>reopened</b> 39:8</p> <p><b>repeat</b> 25:11 39:4</p> <p><b>replica</b> 40:6</p> <p><b>reported</b> 1:25 44:10</p> <p><b>reporter</b> 2:24 5:21 10:12 17:16 42:14 44:4</p> <p><b>REPORTER'S</b> 44:1</p> <p><b>represent</b> 4:8 16:16</p> <p><b>request</b> 10:2,3 10:4</p> <p><b>required</b> 5:4,10</p> <p><b>requirements</b> 13:25</p> <p><b>research</b> 8:7 8:10,21,23,25</p> <p><b>researched</b> 8:11</p> <p><b>reserves</b> 5:13</p> <p><b>results</b> 11:11 11:25 12:1</p> <p><b>retail</b> 6:23 14:20,21</p> <p><b>review</b> 16:9 33:25</p> <p><b>right</b> 5:13 6:1 8:2 11:20 13:2,11 14:20 18:1 20:5 21:1 22:9 28:1,20 30:5 33:1 34:8</p> <p><b>right-hand</b> 24:9</p> <p><b>Road</b> 2:5</p> <p><b>robe</b> 20:15 36:3 37:10 37:13</p> <p><b>Rome</b> 8:5 27:25 28:19 36:21 37:16 37:24 40:4,6</p> <p><b>rounded</b> 41:3</p> <p><b>Rule</b> 4:14,18 5:3,11</p> <p><b>run</b> 12:7</p> <p><b>running</b> 11:19 12:9,18,19</p> <p><b>Ryan</b> 13:18,19</p>	<p>31:19 32:1</p> <p><b>scheduled</b> 4:15</p> <p><b>scratch</b> 7:3</p> <p><b>sculpture</b> 24:22 25:9 25:15 27:21 27:22 31:21 31:23 32:3,5 37:23,23</p> <p><b>search</b> 11:10 11:13,17,25 12:1,15 13:9 19:4 33:4,7,8</p> <p><b>searched</b> 19:4</p> <p><b>searching</b> 9:12 9:14</p> <p><b>Second</b> 2:11</p> <p><b>section</b> 24:20 26:13,15 27:19 31:19 32:8</p> <p><b>see</b> 8:25 13:3 13:10 17:24 19:25 21:12 21:12,20 22:2 24:24 25:5 31:23 32:7,10,11 37:2,5</p> <p><b>seen</b> 30:6 38:16</p> <p><b>sell</b> 14:25 19:16,21 20:2,8 26:11</p> <p><b>selling</b> 6:22</p> <p><b>sentence</b> 32:18</p> <p><b>Serial</b> 1:6</p> <p><b>serve</b> 4:13,15 5:2</p> <p><b>set</b> 44:9</p> <p><b>Shorthand</b> 2:24 44:3</p> <p><b>shoulders</b> 41:3</p> <p><b>show</b> 8:14 20:5 20:12</p> <p><b>shown</b> 26:18 27:15</p> <p><b>shows</b> 19:13 19:18,24 24:11 35:24 36:2 37:6</p> <p><b>side</b> 19:18 27:12</p> <p><b>sign</b> 42:2</p> <p><b>similar</b> 26:14 28:17</p> <p><b>simply</b> 15:14 19:5</p> <p><b>sit</b> 5:9 17:11</p> <p><b>site</b> 30:7</p> <p><b>skip</b> 29:22</p> <p><b>smiling</b> 21:23</p> <p><b>sold</b> 14:11</p>	<p><b>solely</b> 36:11</p> <p><b>sorry</b> 31:2 33:7 35:17 36:20</p> <p><b>sort</b> 21:14</p> <p><b>South</b> 2:11</p> <p><b>speaks</b> 18:10</p> <p><b>specifically</b> 11:17</p> <p><b>specimen</b> 18:5 18:5</p> <p><b>speculation</b> 21:7 22:1 33:17</p> <p><b>spoke</b> 6:2 13:18,18</p> <p><b>spoken</b> 13:24</p> <p><b>stamped</b> 3:14 3:15,17</p> <p><b>standard</b> 42:13</p> <p><b>Starlight</b> 27:23</p> <p><b>started</b> 7:11 8:8 9:13</p> <p><b>starting</b> 29:23</p> <p><b>state</b> 2:25 6:9 6:11 44:4</p> <p><b>stated</b> 16:17</p> <p><b>statement</b> 25:1 32:2</p> <p><b>statements</b> 42:4</p> <p><b>STATES</b> 1:1</p> <p><b>stating</b> 39:11</p> <p><b>statue</b> 40:4,6 40:19 41:8</p> <p><b>stenographic...</b> 44:11</p> <p><b>stipulations</b> 42:4</p> <p><b>stock</b> 24:3</p> <p><b>store</b> 19:8</p> <p><b>Story</b> 8:5 24:23 25:10,16 26:2 28:12 31:22 32:4,6</p> <p><b>Story's</b> 29:17</p> <p><b>strike</b> 20:11 27:1 28:17 29:9 30:21</p> <p><b>structure</b> 28:22 28:23 36:17</p> <p><b>subjects</b> 4:23</p> <p><b>submit</b> 5:20</p> <p><b>subscribed</b> 44:16</p> <p><b>substantially</b> 26:14,20</p> <p><b>Suite</b> 2:5,11,22</p> <p><b>summary</b> 4:23 4:24</p> <p><b>summer</b> 7:19 9:10,11,13,19</p> <p><b>superscript</b> 38:25</p>	<p><b>supposed</b> 13:7</p> <p><b>sure</b> 10:13,23 16:18 17:22 22:16 30:2</p> <p><b>Susan</b> 1:12 2:21 3:2 4:4 6:10 10:16 10:20 43:3 43:15</p> <p><b>sworn</b> 4:5 44:8</p>	<p>6:5 7:16,18 7:21 8:22 17:12 30:9 30:10 32:23 33:2</p> <p><b>transcribed</b> 44:11</p> <p><b>transcript</b> 42:3 43:5</p> <p><b>trial</b> 1:2 6:5,5</p> <p><b>tried</b> 34:21</p> <p><b>true</b> 18:16 23:13,14 30:20,22 43:8 44:13</p> <p><b>try</b> 11:3</p> <p><b>trying</b> 9:4 10:22</p> <p><b>TTAB</b> 35:5</p> <p><b>turn</b> 13:13 26:4 27:5 28:1 29:6 36:23</p> <p><b>two</b> 14:18,19 27:10,11 40:15,15</p> <p><b>two-page</b> 29:22</p> <p><b>type</b> 10:22</p> <p><b>types</b> 4:25 11:22 13:8 41:15</p> <p><b>typewritten</b> 44:12</p>
<p><b>R</b></p> <p><b>R</b> 32:19,19,22 32:25</p> <p><b>read</b> 42:2 43:4</p> <p><b>reading</b> 5:19</p> <p><b>realize</b> 31:13</p> <p><b>reason</b> 5:18</p> <p><b>recall</b> 7:17 14:6</p> <p><b>receipt</b> 5:14</p> <p><b>receive</b> 5:4</p> <p><b>received</b> 5:5,7 5:10</p> <p><b>recognize</b> 18:2 18:3 22:18 22:24 23:2</p> <p><b>recognizes</b> 22:25</p> <p><b>record</b> 4:10 5:17 6:9 10:21,22 11:1 15:8 16:10 34:2 41:23,24,25 42:1,4,9,11 42:20 44:13</p> <p><b>redirect</b> 3:3 33:25 39:22 39:23</p> <p><b>register</b> 18:6 30:12</p> <p><b>registered</b> 30:9 32:23</p> <p><b>regular</b> 24:1 31:6</p> <p><b>regulate</b> 16:6 16:19,21</p> <p><b>reiterate</b> 10:15 11:3</p> <p><b>relate</b> 39:5</p> <p><b>related</b> 6:16,17 33:13</p> <p><b>relating</b> 6:6</p> <p><b>relationship</b> 13:13,14,24</p> <p><b>remains</b> 38:9</p> <p><b>remember</b> 9:12 9:14 18:8</p>	<p><b>S</b></p> <p><b>safe</b> 40:2</p> <p><b>sale</b> 8:18</p> <p><b>saw</b> 24:15</p> <p><b>saying</b> 15:4,16</p> <p><b>says</b> 11:20 24:20 25:3</p>	<p><b>Second</b> 2:11</p> <p><b>section</b> 24:20 26:13,15 27:19 31:19 32:8</p> <p><b>see</b> 8:25 13:3 13:10 17:24 19:25 21:12 21:12,20 22:2 24:24 25:5 31:23 32:7,10,11 37:2,5</p> <p><b>seen</b> 30:6 38:16</p> <p><b>sell</b> 14:25 19:16,21 20:2,8 26:11</p> <p><b>selling</b> 6:22</p> <p><b>sentence</b> 32:18</p> <p><b>Serial</b> 1:6</p> <p><b>serve</b> 4:13,15 5:2</p> <p><b>set</b> 44:9</p> <p><b>Shorthand</b> 2:24 44:3</p> <p><b>shoulders</b> 41:3</p> <p><b>show</b> 8:14 20:5 20:12</p> <p><b>shown</b> 26:18 27:15</p> <p><b>shows</b> 19:13 19:18,24 24:11 35:24 36:2 37:6</p> <p><b>side</b> 19:18 27:12</p> <p><b>sign</b> 42:2</p> <p><b>similar</b> 26:14 28:17</p> <p><b>simply</b> 15:14 19:5</p> <p><b>sit</b> 5:9 17:11</p> <p><b>site</b> 30:7</p> <p><b>skip</b> 29:22</p> <p><b>smiling</b> 21:23</p> <p><b>sold</b> 14:11</p>	<p><b>stock</b> 24:3</p> <p><b>store</b> 19:8</p> <p><b>Story</b> 8:5 24:23 25:10,16 26:2 28:12 31:22 32:4,6</p> <p><b>Story's</b> 29:17</p> <p><b>strike</b> 20:11 27:1 28:17 29:9 30:21</p> <p><b>structure</b> 28:22 28:23 36:17</p> <p><b>subjects</b> 4:23</p> <p><b>submit</b> 5:20</p> <p><b>subscribed</b> 44:16</p> <p><b>substantially</b> 26:14,20</p> <p><b>Suite</b> 2:5,11,22</p> <p><b>summary</b> 4:23 4:24</p> <p><b>summer</b> 7:19 9:10,11,13,19</p> <p><b>superscript</b> 38:25</p>	<p><b>T</b></p> <p><b>tag</b> 13:1</p> <p><b>tags</b> 12:22 13:6</p> <p><b>take</b> 4:21</p> <p><b>taken</b> 2:21 4:2 43:5 44:8,14</p> <p><b>takes</b> 15:7,15</p> <p><b>talk</b> 38:22</p> <p><b>talked</b> 13:19</p> <p><b>talking</b> 10:13</p> <p><b>telephone</b> 4:19</p> <p><b>tendency</b> 15:2</p> <p><b>term</b> 11:16,17 33:4,7,8,13</p> <p><b>terms</b> 38:12,13</p> <p><b>testified</b> 4:5 16:19</p> <p><b>testify</b> 4:24</p> <p><b>testimony</b> 4:2 4:17,21 5:1 5:14 6:5 43:7 44:10,13</p> <p><b>text</b> 5:20</p> <p><b>thank</b> 16:12 23:20 30:5 41:19,21 42:10</p> <p><b>things</b> 4:25</p> <p><b>think</b> 11:5 12:18 14:6 14:13 35:7 39:10 40:2 40:10</p> <p><b>thinking</b> 17:15</p> <p><b>three</b> 18:23 19:5,13,16 20:12,19</p> <p><b>time</b> 8:8,23 9:6 9:11,18 10:13 12:3 12:10,19 18:3 44:9,14</p> <p><b>timely</b> 4:13</p> <p><b>title</b> 38:1</p> <p><b>TM</b> 39:1</p> <p><b>today</b> 4:10 5:9 6:4 9:25 11:5 12:9,18 14:17 17:11</p> <p><b>top</b> 40:12</p> <p><b>trademark</b> 1:1 1:2 4:14 5:11</p>	<p><b>U</b></p> <p><b>U.S</b> 30:10</p> <p><b>um-hum</b> 7:24 15:15 20:23 21:2 24:10 28:2,4,7 37:1 40:14</p> <p><b>understood</b> 6:24 16:18 39:13</p> <p><b>United</b> 1:1,7 2:2 4:12 6:4 6:13,16,18 7:15 11:7,11 14:3,7,11,16 15:5</p> <p><b>UPD</b> 22:4 24:9 26:4,19 28:3 36:24</p> <p><b>UPD000056</b> 3:15</p> <p><b>UPD000068</b> 3:16</p> <p><b>URL</b> 19:1</p> <p><b>urn</b> 7:7 8:11,12 8:16 9:22,24 12:2 14:25 19:19,22,25 20:2,3,6,8,11</p>

**Deposition of Susan Fraser - 12/ 5/ 2014**  
**Perfect Memorials, LLC v. United Priority Distributors**

Page 49

22:12 24:11 24:12,15,17 24:21 25:7,8 25:12,13,21 26:7,10,16,18 26:19 27:1,2 27:8,12,14,15 27:20 28:6 28:25 29:3,7 29:18 30:16 30:24 31:1 31:17,20 33:4,8,11 34:18,19 35:14,21,24 36:20,25 37:20,22 38:7,10 40:12,13 <b>urns</b> 3:13 6:13 6:15,21,22 7:5,8 8:18 9:7,15,21 11:6 13:25 14:2,3,7,10 14:18,19 23:8,9,22 24:2 30:13 33:6,12,19 38:8 40:15 40:15 <b>use</b> 11:16 12:21 15:10 29:18 33:12	23:10,11,15 23:23 24:2 30:18,23 31:2,4,7 32:2 33:18 <b>websites</b> 16:23 <b>Wednesday</b> 5:6 <b>weep</b> 33:14 38:20 <b>weeping</b> 6:6 7:16,20 8:8 8:11,11,12,19 8:22,25 9:1,7 9:15,15,21,24 10:8 11:6,16 11:20 12:4,8 12:14 14:4,5 14:25 15:22 18:7 19:19 19:21,25 20:2,5,10 21:11,12 22:12 23:9 24:2,11,14,17 24:21 25:7 25:12,13,20 26:7,10,15,19 26:25 27:2,7 27:14,15,19 28:5 29:2,4,6 29:18 31:21 32:9,12,25 33:3,10,13,14 33:20 34:15 34:16,18,22 36:25 37:21 38:14,15,17 38:24 40:11 40:21 41:13 <b>went</b> 25:14 <b>West</b> 2:22 13:18,21,22 <b>Wetmore</b> 24:23 31:22 <b>WHEREOF</b> 44:16 <b>Whitendale</b> 2:22 <b>wife</b> 8:6 24:23 29:17 31:23 38:6 <b>William</b> 24:23 25:10,15 26:1 31:22 <b>wings</b> 20:13 35:25 36:3 37:7,9,12 <b>wit</b> 4:2 <b>witness</b> 4:20 4:23 5:1,12 16:5,12 17:25 18:11	21:8 22:2,3 23:2 30:4 33:18 34:1,3 34:8,12,14 35:4 39:3 40:25 41:3 41:21 42:6,8 44:7,16 <b>wood</b> 19:19,21 20:11 22:12 24:12,14,21 25:7,8,12,13 25:21 26:15 40:11 <b>Woodbury</b> 2:6 <b>word</b> 11:17 12:4,6,14,15 12:22 13:6,6 13:6 23:16 23:16,18,20 23:20 33:20 34:16 <b>wording</b> 26:14 <b>words</b> 13:9 32:12,20 34:15 <b>work</b> 17:1 41:16 <b>working</b> 6:25 13:16 <b>World</b> 28:6 29:2 36:25 37:21	16 3:3 17 3:13 1894 24:23 31:22 19th 8:5 <hr/> <b>2</b> <hr/> 2 3:15 22:6,10 23:7 24:5 25:18,20 26:22 36:24 40:1,9,11 2.121 5:3 2.121(e) 4:14 4:18 2.123(e) 5:11 2001 7:1,2,11 2010 7:19 8:8 9:6,14 2011 9:6,10,11 9:13,19,19 2014 1:15 2:23 5:3 43:5,11 44:17 22 3:15 2348 2:21 24th 5:3,5 284-7325 2:6 29 3:17 <hr/> <b>3</b> <hr/> 3 3:17 29:21,24 30:15 31:10 35:14,15,18 37:21 38:25 40:1,9,12 305 2:5 330 17:18 339-7461 2:12 39 3:3 <hr/> <b>4</b> <hr/> <b>5</b> <hr/> 5 1:15 2:23 3:2 43:5 55125 2:6 55402-3813 2:11 59 26:4 <hr/> <b>6</b> <hr/> 6043 2:5 612 2:6,12 62 27:5,14 65 28:1 67 29:6 <hr/> <b>7</b> <hr/> <b>8</b> <hr/> 820 2:11	848 35:18 38:25 849 3:18 85/ 722,100 1:6 8649 1:25 44:22 <hr/> <b>9</b> <hr/>
--	--	--	--	---